

(1) Real party in interest: Selwyn Reed

(2) Related appeals and interferences: None.

(3) Status of Claims: All claims 35-48 are pending and rejected. The rejections of claims 33-47 are appealed.

(4) Status of Amendments: Amendments were submitted after final rejection. The Examiner refused to enter the amendments. Amendments are also submitted with this Brief.

(5) Summary of Invention: The invention comprises a waste assembly. The assembly has an open mouth. A recessed bearing surface which supports an insert. The inset can accept a grate or outlet at any location in the area of the insert. In the embodiments of the invention serving as the subject matter of claim 35, the bearing surface includes projections which engage the underside of the insert and create a gap.

(6) Concise statement of the issues presented for review: (a) Whether claims 33-45 are fatally defective under 35 USC 112, paragraph 2; (b) Whether claims 41 and 44 are drafted in contravention of 37 CFR 1.75(c); Whether claims 35-45 would have been obvious under section 35 USC 103; (d) Whether claims 33,34 and 46-47 lack novelty under 35 USC 102; (e) Whether the examiner has met his burden in respect of any of the above rejections.

(7) Grouping of Claims:

- Group A: Claims 33-45 rejected by paragraph 1 of the Examiner's Feb. 12, 2003 report.
- Group B: Claims 37, 38 and 42, 43 rejected by paragraph 1 of the Examiner's Feb. 12, 2003 report, on distinct grounds from Group A.
- Group C: Claim 41 rejected under paragraph 2 of the Examiner's Feb. 12, 2003 report.
- Group D: Claims 44 rejected by paragraph 2 of the Examiner's Feb. 12, 2003 report.
- Group E: Claims 35-45 rejected by paragraph 5 of the Examiner's Feb. 12, 2003 report.
- Group F: Claims 33, 34 and 46-48 rejected by paragraph 4 of the Examiner's Feb. 12, 2003 report.